



# **VIRGINIA COMMISSION FOR THE ARTS**

## **POLICY MANUAL**

**June 2021**

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## #1 SUBJECT: POLICY ORIGIN, DEVELOPMENT, APPROVAL, AND DISTRIBUTION

### I. OBJECTIVE

To provide a mechanism for the origin, development, approval, and distribution of policies.

### II. POLICY CONTENT

#### A. Policy Development - Origin, Content, and Format

1. Policy recommendations may come from any Commissioner or the Executive Director.
2. Policy shall be developed, taking into account the enabling legislation, official opinions and directives, and the By-Laws of the Commission.
3. Policy development shall be based on planning that is the result of detailed observations, study, and analysis by the Commission and Staff.
4. The policies shall reflect long range intentions and long-term authority on actions by the Commission and the Executive Director.
5. The written format of each policy recommendation shall set forth clearly and concisely the policy objective, content, and responsibility.

#### B. Policy Approval

1. The Commissioners shall approve all policy statements, using the methods stipulated in Article VII of the Bylaws of the Commission.
2. The Executive Director shall develop operational policies to implement the Commission's intentions.

#### C. Policy Distribution and Indexing

1. All current policy statements shall be maintained in a systematically indexed policy manual.
2. The policy manual is an internal document for use by Commissioners, Executive Director, and Commission staff.

3. Copies of all policies adopted by the Commission shall be distributed and maintained on a current basis for each Commissioner. It is the intent of the Commission that the Executive Director, and other staff, and Commissioners will keep themselves informed of all policies.

### III. RESPONSIBILITIES

The Commission shall:

1. Establish policy;
2. Review all policies annually.

B. The Executive Director shall

1. Formulate recommended policies;
2. Interpret Commission-approved policies and develop operational policies to implement the Commission's intentions;
3. Schedule and assist with annual policy review;
4. Distribute the Commission policy manual to other staff and to members of the Board of the Commission.

## #2 SUBJECT: PRINCIPLES OF ORGANIZATION

### I. OBJECTIVE

To establish a sound organizational structure that will enable an efficient and economical system for effective leadership and working relationships.

### II. POLICY CONTENT

- A. The organization plan shall be based on activities required to achieve Commission objectives.
- B. The organization plan shall describe committees and advisory panels.

### III. RESPONSIBILITIES

- A. The Commission shall:
  - 1. Approve descriptions of the function of the Commission, its committees, and advisory panels.
- B. The Executive Director shall:
  - 1. Assume responsibility for other staff and coordinate/manage general operations of the Commission;
  - 2. Prepare a written manual describing the organizational structure of the Commission, to be distributed to new staff and commissioners.
  - 3. When changes are made, share updated organizational manual with commissioners and staff and provide current information to the general public via the Commission's website.

### #3 SUBJECT: QUALIFICATIONS OF COMMISSION MEMBERS

#### I. OBJECTIVE

To state desirable qualifications for individuals considered for appointment to the Commission.

#### II. POLICY CONTENT

Commissioners are appointed by the Governor. Supporting, celebrating, and promoting artistic and cultural equity, and leading by example in that regard, are central to the Commission's mission. The Commission, therefore, believes that persons considered for appointment to the Commission shall:

- A. Be representative of the great and growing diversity of the Commonwealth (including those who identify in ways that have been historically underrepresented, especially in leadership roles, in the arts, considering intersectionality across race, ethnicity, age, ability, sexual orientation, gender or gender identity, socioeconomic status, geography, citizenship status, and religion), and are distinguished for their demonstrated interest in and knowledge of the arts; and/or for their achievement, scholarship, or creativity in the arts;
- B. Be broadly concerned about the arts in the Commonwealth and not consider themselves delegates of geographical areas, particular arts disciplines, institutions, or specific interest groups;
- C. Possess sound judgment, as demonstrated by the management of their own affairs.

#### III. RESPONSIBILITIES

The Chair shall prepare a list of potential Commission members without prejudice to partisan affiliation after consultation with other Commissioners and the Executive Director and shall submit such a list to the Governor.

## COMMISSIONERS, EXECUTIVE COMMITTEE, CHAIR, AND EXECUTIVE DIRECTOR

### I. OBJECTIVE

To establish the powers, duties, and responsibilities of the Commission, Commissioners, Executive Committee, Chair, other officers, and Executive Director

### II. POLICY CONTENT

#### A. The Commission shall:

1. Make policy within the framework established by the General Assembly of Virginia and the Governor;
2. Interpret its Enabling Legislation and By-Laws, and prepare its Policy Manual;
3. Adopt a yearly program budget prepared by the Executive Director in consultation with the Budget/Planning/Policy Committee;
4. Advise the Governor, the appropriate Cabinet Secretary, and the Executive Director on matters affecting the agency;
5. Review and approve annually its By-Laws, policies, and programs;
6. Approve disbursement of grant funds.

#### B. Each Commissioner is expected to:

1. Attend regularly scheduled and special meetings of the Commission and, upon request of the Chair, other meetings that further Commission objectives;
2. Communicate to the Commission the needs, issues, and interests of arts organizations in their district and across the Commonwealth;
3. Communicate to the Commission their observations on the deliberations and recommendations of grant review panels;
4. Support all actions taken by the majority of the Commission;
5. Represent the Commonwealth as a whole, not particular regions, arts disciplines, or organizations;

6. Act impartially and in the best interest of statewide arts promotion and development based on available information;
7. Be an advocate for agreed-upon Commission positions with members of the General Assembly, as requested by the Chair;
8. Be acquainted with the arts in Virginia to the greatest extent possible;
9. Inform interested persons about the objectives, programs, and services of the Commission at every opportunity;
10. Not commit the Commission to any action without authorization of the Chair or Commission;
11. Abide by the Commission's conflict of interest policy and code of responsibility;
12. Continue to serve the Commission after the end of their term if they wish in roles outlined in cooperation with the Executive Director.

C. The Executive Committee shall:

1. Act for the Commission between regularly scheduled meetings;
2. Report its actions to the full Commission at its next meeting.

D. The Chair shall:

1. Serve as the spokesperson on policy matters for the Commission;
2. Preside at Commission meetings and activities;
3. Work in close partnership with the Executive Director and fellow Commissioners;
4. Make appointments to standing and ad hoc committees and serve on each of them, with the exception of the Nominating Committee, as an ex-officio member;
5. Serve as liaison, with the Executive Director, to other agencies or organizations;
6. Be responsible for notifying members of the Commission about issues of major concern to the agency;
7. Not commit the Commission to any major action without authorization of the Commission as a whole.



E. The Vice Chair shall:

1. Help ensure that the Commissioners are individually and collectively clear about expectations and objectives;
2. Preside over Commission meetings in the Chair's absence;
- 3.
4. Serve as an ex-officio member on each committee of the Commission, with the exception of the Nominating Committee.

F. The Secretary shall:

1. Work with the Executive Director and other staff to ensure that each Commissioner receives appropriate and timely information about the Commission's plans and activities;
2. Review draft minutes and sign for the record once approved by the Commission, and ensure clear and consistent communication with the Commissioners;
3. Serve as an ex-officio member on each committee of the Commission with the exception of the Nominating Committee.

G. The Executive Director shall:

1. Develop program proposals and budgets;
2. Prepare and submit funding requests to the Department of Planning and Budget and other funding sources;
3. Administer approved programs;
4. Manage office personnel;
5. Keep the Commission informed on pertinent matters;
6. Serve ex-officio on panels and committees established by the Commission;
7. Serve as liaison, with the Chair, to other agencies or organizations.

## #5 SUBJECT: PROGRAM DEVELOPMENT AND IMPLEMENTATION

### I. OBJECTIVE

To establish the basis for program development and implementation, specifying the various responsibilities and inter-relationships between the Executive Director and the Commission.

### II. POLICY CONTENT

Program development and implementation is a function of the staff under the direction of the Executive Director. In the development and implementation of programs, Commission policies must be recognized. Financial assistance policies shall be contained in guidelines for funding.

### III. RESPONSIBILITIES

#### A. The Commission shall:

1. Approve programs and financial assistance policies as contained in guidelines for funding;
2. Review all programs at appropriate intervals and make recommendations to the Executive Director regarding desirable changes.

#### B. The Executive Director shall:

1. Develop program plans for consideration by the Commission;
2. Direct staff in implementing approved programs.

## #6 SUBJECT: COMMITTEES

### I. OBJECTIVE

To facilitate the carrying out of the responsibilities and functions of the Commission, a system of Committees is hereby established.

### II. POLICY CONTENT

#### A. Executive Committee

1. The Executive Committee shall consist of the Chair, the Vice-Chair, and the Secretary of the Commission.
2. In the interval between meetings of the Commission, the Executive Committee is empowered to act within the policy of the Commission.
3. All actions taken by the Executive Committee shall be reported to the Commission at its next meeting.

#### B. Nominating Committee

1. A Nominating Committee, comprised of three Commissioners, shall be elected by the Commission at the next ~~to~~ last quarterly meeting for the purpose of proposing a slate of officers for election at the last quarterly meeting. The Nominating Committee shall submit its report in writing to the full Commission at least ten days before the meeting at which officers are elected.

#### C. Standing Committees

1. Policy/Planning/Budget Committee: This committee shall review annually all Commission policies and By-Laws and recommend to the Commission the adoption of additional policies and the revision of existing policies and By-Laws as needed. This committee is responsible for guiding the agency's planning process as well as annually reviewing the goals, objectives, and operational guidelines of the Commission and recommending revisions. This committee shall also develop and recommend to the Commission the annual program budget.
2. IDEA Committee: The Inclusion, Diversity, Equity, and Access Committee: This committee will inform development of policy (operations and grantmaking/programmatic) and initiatives in fulfillment of the Commission's goals related to cultural equity. This includes related professional development for Commissioners and staff, and other key stakeholders.

3. Arts in Education Committee: The Arts in Education Committee provides a forum for discussion of the arts in education programs of the Commission. The Committee is responsible for the planning and implementation of the Teaching Artist Roster Guidelines.

D. Special Committees

1. The Chair may, or shall as directed by the Commission, appoint special committees for specific purposes. These committees may be made up of Commissioners and others.

2. Each special committee shall have a charge which shall include its objective(s), its proposed work schedule, reporting deadlines, and its termination date.

III. RESPONSIBILITIES

A. The Chair shall appoint the chairs and members to all standing and special committees.

B. The Chair, Vice Chair, and Secretary shall serve as ex-officio members of all standing and special committees, except the Nominating Committee.

C. The Executive Director shall serve as an ex-officio member of all committees except the Nominating Committee.

D. The Committee Chair shall preside over meetings and report to the Commission as necessary.

E. Committee members shall be responsible for implementation of committee assignments, as set forth in this policy.

## #7 SUBJECT: ADVISORY PANELS

### I. OBJECTIVE

To facilitate informed decision-making by the Commission, a system of Advisory Panels is hereby established.

### II. POLICY CONTENT

#### A. Structure, Composition, and Qualifications of Panelists

1. There will be an Advisory Panel for each of the geographic areas to review applications for General Operating Support for Arts Organizations. The membership of each panel shall be broadly representative of the artistic interests in Virginia and shall include up to eight members living or working within the area served. Members shall be selected from among artists, arts administrators, trustees of arts organizations, and others knowledgeable in the arts. The area advisory panels will meet each year to review General Operating Support and Project Grant applications.
2. There will be a Multidisciplinary Statewide Panel of up to eight members to review applications for General Operating Support from the organizations designated by the Commission as major arts institutions. The members will be former members of the Commission, artistic and administrative leaders of large-budget arts organizations, board members of large-budget arts organizations, and others knowledgeable about the impact of major arts institutions on the state.
3. An Artists in Education Advisory Panel of up to eight members will review applications for Residency, After School, and Summer Program Grants. Members shall be teaching artists, artists, school administrators and/or teachers, administrators of arts organizations and others with knowledge about arts education.
4. There will be a Touring Program Advisory Panel of up to eight members to recommend artists to be included in the Tour Directory. Members shall be performing artists, administrators of presenting organizations, managers of touring organizations, and others knowledgeable about the performing arts.
5. There will be a statewide advisory panel for each arts discipline in the category of Fellowships for Individual Artists. Each panel will be made up of three to five professionals in the appropriate discipline(s).
6. There will be a multidisciplinary panel of up to eight members to review requests from artists to be listed on the Arts in Education Teaching Artist Roster. The panel will be made up of people knowledgeable about the literary, visual, media, and performing arts.

The panelists are professional artists, teaching artists, arts educators, members of the Commission's Arts in Education advisory panel, and arts administrators familiar with the Commission's residency program.

7. The selection criteria for panelists shall be informed by:
  - a. Artistic knowledge and experience, including a range of disciplines;
  - b. Knowledge and experience in nonprofit management;
  - c. Community development knowledge and expertise;
  - d. Addressing historical underrepresentation, especially in leadership roles, in the arts, considering intersectionality across race, ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion;
  - e. Ability to work with others on a panel;
  - f. Willingness to make the necessary commitment of time and effort to panel service.
- B. Panelists shall:
  1. Attend meetings of the panel;
  2. Review grant applications and make recommendations on applications to the Commission;
  3. Assist the Commission in evaluating the work of its grantees;
  4. Identify issues needing policy clarification by the Commission;
  5. Review operational guidelines of the Commission and suggest revisions;
  6. Abide by the Commission's conflict of interest policy;
  7. Attend as many arts activities in their home areas as possible.
- C. Length of Term and Rotation Policy
  1. All panelists are appointed for one-year terms.
  2. Panelists may be reappointed twice, to serve for a maximum of three (3) consecutive years. Occasionally a panelist may be rotated before the three (3) year maximum is up,

because of the requirements of panel balance relative to program objectives. At least one-third of the membership of each panel shall change annually.

### III. RESPONSIBILITIES

- A. Annually the Commission staff will seek panelist suggestions from Commissioners, current and former panelists, and others sources, such as through a public call.
- B. The Executive Director shall
  - 1. Invite potential panelists;
  - 2. Call meetings of the panels;
  - 3. Preside over panel meetings;
  - 4. Report to the Commission on panel meetings;
  - 5. Guide staff in preparing materials for review by panelists.
- C. Each advisory panel member, after acceptance of a panel appointment, shall faithfully carry out the functions of the panel, as set forth in this policy.

#8 SUBJECT: REIMBURSEMENT FOR COMMISSIONERS, COMMITTEE MEMBERS,  
AND ADVISORY PANELISTS

I. OBJECTIVES

- A. To establish a method of authorizing activities of Commissioners and advisory panelists that may result in reimbursable expenses.
- B. To set forth a basis of reimbursement for Commissioners and advisory panelists.

II. POLICY CONTENT

- A. Authorization for Commissioners and advisory panelists to incur reimbursable expenses is made for the following:
  - 1. Attendance at regular and special meetings of the Commission and its committees and advisory panels.
  - 2. Special activities approved in advance in writing by the Chair.
- B. Commissioners shall be reimbursed for actual expenses incurred using budgetary limitations established by the Commonwealth of Virginia as a guide. To receive reimbursement for expenses, the Commissioners or panelists shall file with the Executive Director an itemized expense voucher for authorized expenses incurred.

III. RESPONSIBILITIES

- A. The Executive Director shall determine the availability of funds prior to authorizing reimbursement for special activities.
- B. The Executive Director shall be responsible, through delegation to the Deputy Director, for the auditing of all expense claims submitted by Commissioners and panelists and shall advise the Commission of any non-adherence to this policy.



## #9 SUBJECT: POTENTIAL CONFLICT OF INTEREST AND CODE OF RESPONSIBILITY

### I. OBJECTIVE

To establish a basis for dealing with potential conflicts of interest among Commissioners, advisory panelists, and Commission staff.

### II. POLICY CONTENT

#### A. Conflict of Interest

##### 1. Commission Staff

Members of the Commission staff shall have no association as board or staff with an applicant organization or any potential applicant organization and shall abide by the guidelines in the Virginia Handbook for Public Officers and Employees on the Comprehensive Conflict of Interest Act. Commission staff is ineligible to apply for any type of grants awarded to individuals.

##### 2. Commissioners

Shall abide by the [State and Local Government Conflict of Interests Act](#). Commissioners are ineligible to apply for any type of grant awarded to individuals.

#### B. Code of Responsibility

The Commission has adopted the following policy guidelines, which shall hereafter be referred to as the Code of Responsibility.

1. Commissioners and advisory panelists have been appointed because of their wide interest and involvement in the arts. It is natural, therefore, that they may often be members of governing boards or employees of organizations seeking support from the Commission. Commissioners and panelists, however, should be alert to avoid any actions which could possibly be interpreted as a use of board or panel membership to attain personal financial gain, either directly or through an outside organization or person, or to further the economic interests of an organization or person with which they are affiliated as an employee or in a policy-making capacity.

2. To ensure that the Commission's decision-making processes are free from conflict of interest and appearances of conflict, its Commissioners and panelists will follow these procedures:

a. All Commissioners shall file with the Executive Director statements listing those organizations reasonably expected to be eligible for Commission support in which they or their immediate families have financial or policy-making interest. Such statements shall be filed not later than 60 days after the Commissioner takes office and shall be kept current to reflect additions and deletions.

b. Commissioners and panelists are requested not to join the boards of or initiate any affiliations of a policy-making or a financial nature of potential applicant organizations after accepting a Commission appointment. A Commissioner who is serving on the Executive Committee or in a leadership position with an applicant organization may not serve at the same time on the Executive Committee of the Commission.

c. Commissioners and panelists shall abstain from discussion and voting, and are requested to leave the room/discussion under the following conditions:

- when applications are presented from organizations which employ them or their immediate families; or
- when applications are presented from organizations with which they or their immediate families are otherwise directly affiliated; or
- when applications are presented which are likely to affect them financially.

d. Commissioners and panelists shall make every reasonable effort to act without self-interest, or without serving the self-interest of fellow members, on all applications submitted to the Commission, recognizing that loyalties to a particular geographic area, arts discipline, institution, or specific interest group must be subordinated to the broader purposes of acting in the best interest of statewide arts development.

3. The Executive Director will call the Code to the attention of all Commissioners and panelists each year. A copy of the Code will be provided to each new Commissioner and panelist.

For the purpose of clarity, the following definitions of terms will be used:

Affiliation - includes employment, board membership, officers of the board, policy-making relationships, paid independent contractual relationships, and other financial affiliations including status of contributor of more than 5% of an applicant organization's budget.

Immediate Family - includes spouse, children, or household members.

## #10 SUBJECT: REPRESENTATIVE ROLE IN RELATIONSHIP TO THE GOVERNOR'S OFFICE

### I. OBJECTIVE

To establish a basis for the Commission's representation to the Governor's office.

### II. POLICY CONTENT

The Commission shall:

- A. Maintain an active liaison with those persons designated by the Governor **having** responsibility for developing policy on the arts;
- B. Be available to assist the Governor's Office in assessing opinions and questions relating to the arts;
- C. Offer assistance to the Governor's Office, particularly in the area of appointments to the Commission and any other boards or commissions relating to the arts.

### III. RESPONSIBILITIES

- A. The Chair shall formally represent the Commission to the Governor's Office or designate a representative.
- B. The Executive Director, in consultation with the Chair, shall maintain general Commission liaison with the Governor's Office.

#11 SUBJECT: REPRESENTATIVE ROLE IN RELATIONSHIP TO THE GENERAL ASSEMBLY

I. OBJECTIVE

To establish a basis for the Commission's representation to the General Assembly of Virginia.

II. POLICY CONTENT

The Commission shall maintain an active liaison with those members of the General Assembly and their staff who have primary roles in arts legislation.

III. RESPONSIBILITIES

A. Commissioners shall actively participate in the development of positions regarding legislation affecting the arts.

B. The Executive Director, in consultation with the Chair, will formally represent the Commission to the General Assembly.

C. Commissioners shall maintain open communications with members of the General Assembly, sharing accurate, measurable data and verifiable anecdotal information in support of the arts in the Commonwealth and the achievements of the Commission, as recommended by the Chair and Executive Director.

D. Commissioners are expected to support the policies, decisions, and positions adopted by the Commission or its duly authorized committees. Commission members are not prevented from acting as private citizens as long as they do not attempt to represent their personal positions as official positions of the Commission.

#12 SUBJECT: REPRESENTATIVE ROLES IN RELATIONSHIP TO OTHER STATE, REGIONAL, AND FEDERAL AGENCIES OR ORGANIZATIONS

OBJECTIVE

To establish the policy governing the basic relationship between the Commission and other State, Regional, and Federal agencies or organizations.

II. POLICY CONTENT

The Executive Director shall approve representative participation by the Commission on Regional and Federal agencies or organizations in either of two capacities:

- A. Where the Commission representative has no formal charge other than information/liaison purposes; or
- B. Where the Commission representative (usually the Chair or Executive Director, or both) is officially representing the Commission with its endorsement by virtue of action sanctioned at a Commission meeting, or by a formal poll of the Commission.

III. RESPONSIBILITIES

- A. The Commission representative, if not the Executive Director, shall keep the Chair and/or the Executive Director informed whenever serving as a Commission representative.

#13 SUBJECT: REPRESENTATIVE ROLE IN RELATIONSHIP TO THE MEDIA

I. OBJECTIVE

To establish the policy governing the basic relationship between the Commission and the media.

II. POLICY CONTENT

Commission interaction with the media should:

- A. provide accurate general information about the Commission;
- B. represent official positions by virtue of Commission action in session or by formal polling of membership; or

- C. offer accurate, measurable data and verifiable anecdotal information in support of the arts in the Commonwealth.

### III. RESPONSIBILITIES

- A. The Chair or Executive Director will typically represent the Commission or designate a formal representative.
- B. The Executive Director shall be responsible for drafting formal position statements for release to the media, subject to the review of the Chair as feasible
- C. When contacted by media, Commissioners should coordinate response with staff whenever possible, particularly on issues of policy or grant actions.

#14 SUBJECT: APPLICATION FOR GRANTS AND OTHER FORMS OF UNEARNED INCOME

I. OBJECTIVE

To establish the basis for applying for grants and gifts.

II. POLICY CONTENT

A. Grants and gifts may be applied for to provide finances necessary for Commission programs and operational objectives established by the Commission.

B. Planning for grant applications is an integral part of the budgeting process conducted by the Commission.

C. If new grant or gift opportunities for purposes unrelated to Commission-approved programs or operational plans become available, Commission and/or Executive Committee action is necessary to initiate application.

D. Commitments to accept gifts or grants which may be offered spontaneously to the Commission may be made by the Executive Director, unless a new program or operation is required as a condition of acceptance, in which case prior approval of the Commission is required.

III. RESPONSIBILITIES

A. The Executive Director shall:

1. Prepare and submit applications for grants and gifts according to policy;
2. Report on a regular basis to the Chair on the status of applications for grants and gifts;
3. Accept all grants or gifts which do not require changes in programs or operations.

#15 SUBJECT:       ROLE OF MEMBERS OF PUBLIC AT COMMISSION MEETINGS

I.       OBJECTIVE

To define the role of members of the public in attendance at Commission meetings, including board, panel, committee, and all other meetings conducted by the Commission.

II.      POLICY CONTENT

- A. Advisory panel meetings: In compliance with the Virginia Freedom of Information Act, all Commission advisory panel meetings to review grant applications are open to the public. Applicant representatives are welcome to attend these meetings as observers but are not permitted to make presentations or to provide information beyond that contained in the application forms at the meetings.
- B. All Commission Board meetings are open to the public. At Commission Board Meetings (typically held quarterly), including those in which the Board is engaged in grant review, a representative of an applicant organization may be permitted to address the members of the Commission at the discretion of the Commission Chair (or designee). It is the prerogative of the Chair (or designee) to determine if visitors will be allowed to speak during the grant review meeting, to determine the point in the agenda during which visitors will be permitted to speak, and to limit the time for each presentation.

The Commission will have at least one period for public comment as part of the regular quarterly meetings each year. As a public body, the Commission encourages public comment on policy matters or procedural concerns. It is the prerogative of the meeting Chair to determine if visitors will be allowed to speak during the business meeting, to determine the point in the agenda during which visitors will be permitted to speak, and to limit the time for each presentation. Although members of the public may notify the Commission staff in advance that they wish to speak, the period of public comment will not be limited to those who have pre-registered. Any member of the public in attendance at the designated public comment period may, at the discretion of the meeting Chair, be given the opportunity to address the Commission.

- C. All other Commission meetings: Committees meet throughout the year and all meetings are made public through the Commonwealth Calendar and Commission website. The same principles regarding public comment apply.



## #16 SUBJECT: GRANT REVIEW PROCEDURES

### I. OBJECTIVE

To define the procedures for review of each type of grant application.

### II. GENERAL OPERATING SUPPORT FOR ARTS ORGANIZATIONS and PROJECT GRANTS FOR ORGANIZATIONS

A. The Program Coordinator and Deputy Director shall review all applications received for completeness and eligible revenue, and request or compile additional information as necessary.

B. All applications will be released electronically to the members of the review panel no more than six week and no less than three weeks before the panel meeting. Other arrangements may be made for panelists who cannot review electronically.

C. Each panelist shall independently review each application received, prior to the advisory panel meeting.

D. Each advisory panel shall meet with the Executive Director and the Program Coordinator. The Executive Director may assign the Deputy Director to oversee an advisory panel. At least one Commissioner, and more when possible, shall attend each panel meeting as an observer. The panels make recommendations on the applications following discussions.

E. Following the advisory panel meetings, the Executive Director and Program Coordinator shall confer and make their recommendations on each application.

F. At the Commission Board meeting, the Commissioners will review the panel and staff recommendations and take final action on all applications.

### III. CREATIVE COMMUNITIES PARTNERSHIP GRANTS

A. The Deputy Director and Program Coordinator will review all applications for completeness and request or compile additional information as necessary.

B. The Executive Director and Deputy Director will make recommendations on levels of funding for each application.

C. At the last quarterly meeting the Commission, acting as a whole, will review the staff recommendations and take final action on the applications.

#### IV. TECHNICAL ASSISTANCE

- A. The Program Coordinator and Executive Director review and take action on all applications for Technical Assistance that fall within the current guidelines.
- B. Exceptions to the guidelines may be approved by the Commission Chair, at the request of the Executive Director.

#### V. TOURING ASSISTANCE

- A. For applications submitted for inclusion in the Performing Arts Tour Directory
  - 1. Program Coordinator will review all applications for completeness and request or compile additional information as necessary.
  - 2. All applications will be released electronically to the members of the review panel no more than six week and no less than three weeks before the panel meeting. Other arrangements may be made for panelists who cannot review electronically.
  - 3. Each panelist will independently review each application before the panel meeting.
  - 4. The advisory panel will meet with the Executive Director and the Program Coordinator, and a member of the Commission to make recommendations on the performing artists to be included in the Tour Directory and the touring allocation for each.
  - 5. Following the panel meeting, the Commission staff will make recommendations on the applications.
  - 6. At the full Commission meeting, the Commission will review the recommendations of the panel and staff and take final action on the requests.
- B. Applications for Presenter Touring Assistance
  - 1. The Program Coordinator will review each application for completeness and request additional information as necessary.
  - 2. Commission staff will review and take action on all applications.
  - 3. Exceptions to the guidelines may be approved by the Commission Chair, at the request of the Executive Director.

4. If any of the touring artists have not used their full allocation by the December 1 deadline, Commission staff will reallocate those funds to the other touring artists, on a first-come, first-served basis as requested.
5. If a touring artist moves out of state mid-year, the Commission will honor any grants awarded prior to the performer's move. The performer may not continue to book performances under the touring program once he or she moves out of state.

## VI. ARTIST FELLOWSHIPS

- A. The Coordinator assigned will review each application for completeness and request additional information as necessary.
- B. All applications will be released electronically to the members of the review panel no more than six week and no less than three weeks before the panel meeting. Other arrangements may be made for panelists who cannot review electronically.
- C. Each panelist will independently review each application before the panel meeting.
- D. The panel will meet with the Executive Director, the Coordinator assigned, and a member of the Commission to make recommendations on the applications.
- E. Following the panel meeting, the Commission staff will make recommendations on the applications.
- F. At the next quarterly meeting the Commission will review the recommendations of the panel and staff and take final action on all applications.

## VIII. ARTISTS IN EDUCATION

- A. Artist Residency, After-School, Summer Arts Program and Professional Development Grants
  1. The Arts in Education Coordinator will review all applications for completeness and request additional information as necessary.
  2. All applications will be released electronically to the members of the review panel no more than six week and no less than three weeks before the panel meeting. Other arrangements may be made for panelists who cannot review electronically.
  3. Each panelist will independently review each application before the panel meeting. The panel will meet with the Executive Director or Deputy Director, the Arts in Education

Coordinator, and a member of the Commission to make recommendations on the applications.

4. At the last quarterly Commission meeting the Commission will review the recommendations of the panel and staff and take final action on the requests.

**B. ARTISTS IN EDUCATION EXPRESS (AIE<sub>x</sub>)**

1. Organizations who receive more than \$2,500 in General Operating Support from the Commission are not eligible for an AIE<sub>x</sub> grant.
2. The Arts in Education Coordinator will review each application for completeness and request additional information as necessary.
3. Arts in Education Coordinator and Executive Director review and take action on all applications for AIE<sub>x</sub> that fall within the current guidelines.
4. Exceptions to the guidelines may be approved by the Commission Chair, at the request of the Executive Director.

**C. TEACHING ARTIST ROSTER**

1. The Arts in Education Coordinator will review all applications for completeness and will request additional information as necessary.
2. All applications will be released electronically to the members of the review panel no more than six week and no less than three weeks before the panel meeting. Other arrangements may be made for panelists who cannot review electronically.
3. Each panelist will independently review each application before the panel meeting.
4. The panel will meet with the Executive Director or Deputy Director, and the Arts in Education Coordinator, and a member of the Commission to make recommendations on the applications.
5. At the full Commission meeting, the Commission will review the recommendations of the panel and staff and take final action on the requests.

**Criminal Background Checks for Teaching Artists approved for the Teaching Artist Roster**

Each teaching artist approved by the Commission for the Teaching Artist Roster is required to undergo a criminal background check. Background checks ensure that the Commission has performed its due diligence to the fullest extent possible, as teaching artists are properly vetted, to work with Pre-K-12 students, life-long learners, and/or potentially (other) vulnerable

populations. All criminal background checks are confidential. Background checks will be conducted with the Virginia State Police to determine whether a teaching artist has a criminal history in Virginia, including that as a sex offender. The Commission will contract with a third-party vendor to determine a U.S. criminal record outside of the Commonwealth. Fieldprint, or whatever successor vendor is contracted through the Virginia State Police will be used for conducting the background checks.

### 1. Consideration of Information Obtained

Convictions and other information disclosed by candidates or revealed through background checks will influence the hiring decision only if considered by the Commission to be relevant to the duties of the position and the Commission's responsibilities to the public and public funding. For convictions and other past conduct deemed potentially relevant, the following will be considered:

- the nature and severity of the offense or conduct,
- the nature of the possible assignments of the Teaching Artist, and populations with whom they would engage, and/or
- a candidate's explanation of a past event and other contextual information, including the candidate's age at the time the event or conduct occurred and the time elapsed since. If the Commission denies approval based on criminal background check information (other than information solely disclosed by the candidate) or any other information provided by a consumer reporting agency, the Commission will notify the candidate in accordance with the Fair Credit Reporting Act.

### 2. Consideration of Offenses

Examples of offenses which are considered unacceptable for working with children/youth, seniors and/or other vulnerable populations include, but may not be limited to:

- Offenses or cases involving care or treatment of other persons
- Misdemeanor offenses or cases involving violence, or drug and alcohol offenses within the past seven years.
- Felony offenses or cases involving violence or sex
- Other felony offenses such as embezzlement, theft, drugs, within the past ten years

This shall include persons who have been found guilty or entered a plea of guilty or no contest. This listing of examples of offenses is not exhaustive and other offenses may be considered unacceptable. For offenses not listed below, evaluations will be made on a case-by-case basis.

**\*\*Shall include prior adult offenses, juvenile offenses, and adjudication of delinquency\*\***

### 3. Confidentiality and Reporting

Information will be collected and handled confidentially by designated Commission staff—the Executive Director, Deputy Director and Arts in Education Coordinator. Information will be retained only as required by law, and will not become part of any individual's personnel file.

In accordance with direction given to the Commission by the Department of Human Resources and Management (DHRM), the Commission will maintain a list of these artists with documentation of when/how their background checks were conducted and that they successfully passed.

Following FBI regulations, the Commission will destroy all criminal background checks once they have served their purpose of determining a criminal background of a teaching artist. The Commission will retain a note in each teaching artists' file. Notes for rejected teaching artists will state that the artists had an unfavorable background check. Notes for accepted teaching artists will indicate the date of the reports and that the criminal background history revealed no areas of concern. DHRM only records employees in "sensitive positions" and does not record independent contractors in the Personnel Management Information System (PMIS) system. The Commission may seek the advice of the Attorney General's office with respect to any artist who is identified for rejection due to an unfavorable background check and/or who the Commission approves for the Teaching Artist Roster who has a criminal background, and it shall seek such advice prior to advising the artist of their eligibility.

The Commission will absorb the costs for the background checks. It is recommended that schools and organizations also conduct separate background checks at their own costs for individuals working within their arts education programs with children/youth and/or other vulnerable populations.

## #17 SUBJECT: PROGRAM ISSUES

### I. OBJECTIVE

It is the intent of the Commission to include all policies on the funding programs in the Guidelines for Funding. From time to time, however, the Commission will approve guidance to the Advisory Panelists on issues of concern or adopt policies that pertain to only one or two organizations. This information is included in this section of the Policy Manual.

### II. POLICY CONTENT

#### A. Commission Initiated Projects

The Commission will not accept applications for special projects outside of the regular application process unless it is a project initiated by the Commission (i.e., the Commission asks an organization to submit a proposed plan and budget to address a specific need identified by the Commission). (approved by consensus, July, 1988; reconfirmed, September, 1995)

#### B. Funding Projects Under Different Grant Programs

The Commission will not approve funding the same project under different grant programs. Grant funds from other grant programs cannot be used to match another Commission grant. (approved by consensus, July, 1988; reconfirmed, September, 1995)

#### C. Creative Communities Partnership Grants

Some of the Commission grantees have aggressively sought funding from all sources, resulting in the organizations receiving both direct and indirect support (through local governments) from the Commission. The Commission applauds the strong community service provided by these organizations and does not see the indirect funding as a problem at this time. (approved by consensus, July, 1988)

#### D. Application Deadline

Funding guidelines will state that online applications must be received by the Commission by 5 PM on the appropriate deadlines.

#### E. Allocations for Performers in the Tour Directory

The Commission will use the following guidelines in recommending funding allocations for the performers in the Tour Directory:

1. Solo performers who are new to the Directory will generally be recommended for an allocation of between \$1,000 and \$1,500.
2. Ensembles that are new to the Directory will generally be recommended for an allocation of between \$2,000 and \$3,000.
3. If a performer/ensemble has been listed in the Directory in the past, the panel should assume that the performer/ensemble will receive an allocation equal to the amount spent in the most recent touring season unless there have been problems with the tour.
4. The Commission encourages the panel to recommend new performers/ensembles for the Directory. If there is not sufficient funding to include new performers/ensembles meeting the criteria, funding for all of the performers/ensembles that have been in the Directory, that have used their full allocations in the past, and that have been evaluated favorably by the panel should be reduced in a consistent manner. (approved, September, 1998)

F. Fiscal Agents for Project Grants

An eligible organization that is applying for a Project Grant for its own activities may serve as fiscal agent for another project as well. There is no limit on the number of applications for which an organization can serve as fiscal agent. (approved, September, 1998)

G. Matching Requirement for Project Grants

If the Commission receives a final report indicating that a grantee has not matched a Project Grant one for one, the Commission staff will consult with the Executive Committee on whether to make the second payment on the grant. (approved, September, 1998)

H. Project Grants for the Creation of New Work

It is a priority of the Commission to support the creation of new work by Virginia artists, and the Commission recognizes that there are many challenges in the creation of a high-quality work of art. If an organization has received a Project Grant for the creation of new work and has delayed the public presentation of the work for artistic reasons, the Commission staff may approve the second payment on the grant even though the project has not been completed by the end of the fiscal year in the following circumstances:

- the organization began the project in a timely manner and has made substantial progress on the new work;
- the organization has notified the Commission staff by mid-May that the project will not be completed by the end of the fiscal year;
- the organization will file a report during the original grant period on the work accomplished to date and will report in the next fiscal year upon the completion of the project. (approved, September, 2001)



#### J. Tour Directory Performers Working for Same Sponsors

The purpose of the touring program is to increase opportunities for audiences to experience high quality performances. Annual visits to small communities by the excellent performers in the Tour Directory directly address the Commission goals. (approved, September, 1999)

#### K. Special Recognition Awards

In rare instances the Commission may choose to give Special Recognition Awards in lieu of General Operating Support grants. These Special Recognition Awards may be given to (1) organizations that have an organization structure that prohibits their ability to apply for General Operating Support; 2) organizations who demonstrate a unique and distinct service to the field, whether in the performance, presentation, production, creation or preservation of artistic works; or 3) other special merits in the arts. Each year the Commission will determine which organizations that have received Special Recognition Awards in the past should be invited to apply for such Awards in the coming year. The Commission staff will identify organizations for recommendation for Special Recognition Awards. If time permits, the Policy Committee will discuss the recommendations of the Commission staff. If there is not time to convene a meeting of the Policy Committee, the Executive Committee will discuss the recommendations of the Commission staff. (approved, October, 2003)

#### J. Audit Requirement

The Commission believes that outside audits of financial records are a sign of fiscal responsibility and good management. Organizations that have a budget size of \$600,000 or more for two consecutive years will be required to have an annual audit. Organizations that have just reached the budget minimum will have a one-year grace period before filing the audit with the Commission.<sup>1</sup> (approved, October, 2003)

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<sup>1</sup> In 2020, in response to impacts on organizations relative to the pandemic, the Commission Board approved the submission of 990s in lieu of audited financial statements.